

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE J. SHAW,

Plaintiff,

v.

KIMBERLY METZEN,

Defendant.

ORDER

13-cv-847-wmc

In an order entered on December 11, 2013, the court severed this case from 12-cv-497-wmc pursuant to Fed. R. Civ. P. 18(a) and 20(a). On May 23, 2014, the court denied Shaw's motion for reconsideration from that decision. Although he initially objected to the severance, Shaw has indicated that he wishes to proceed with his claims against defendant Kimberly Metzen in this severed case. Because this severed case is a separate civil action, Shaw must pay a filing fee for his case to proceed.

Although severed and docketed as a separate civil action in December 2013, the complaint in this case was filed in July 2012. With the exception of habeas corpus proceedings, the fee for civil actions filed before May 1, 2013 is \$350.¹ Shaw has neither paid the filing fee nor requested leave to proceed *in forma pauperis* in the severed case, 13-cv-847-wmc. For this case to proceed, Shaw must pay the \$350 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* no later than June 27, 2014.

¹ For civil actions filed after May 1, 2013, the filing fee is \$400 unless the plaintiff qualifies for indigent status under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), in which case the filing fee is \$350.

In the event that Shaw requests leave to proceed *in forma pauperis*, he is advised that he must comply with the Prisoner Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), which requires indigent inmates to pay by installment the entire filing fee for civil actions and appeals. The federal *in forma pauperis* statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether Shaw qualifies as indigent, any motion for leave to proceed *in forma pauperis* must include a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of his complaint. 28 U.S.C. § 1915(a)(2).

ORDER

IT IS ORDERED that:

1. No later than June 27, 2014, plaintiff Terrence Shaw shall pay the \$350 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* together with a certified copy of his inmate trust fund account statement for the six-month period from the date of the complaint (July 12, 2012 through at least January 12, 2012).

2. Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).

Entered this 30th day of May, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge